

REMARKS/ARGUMENTS

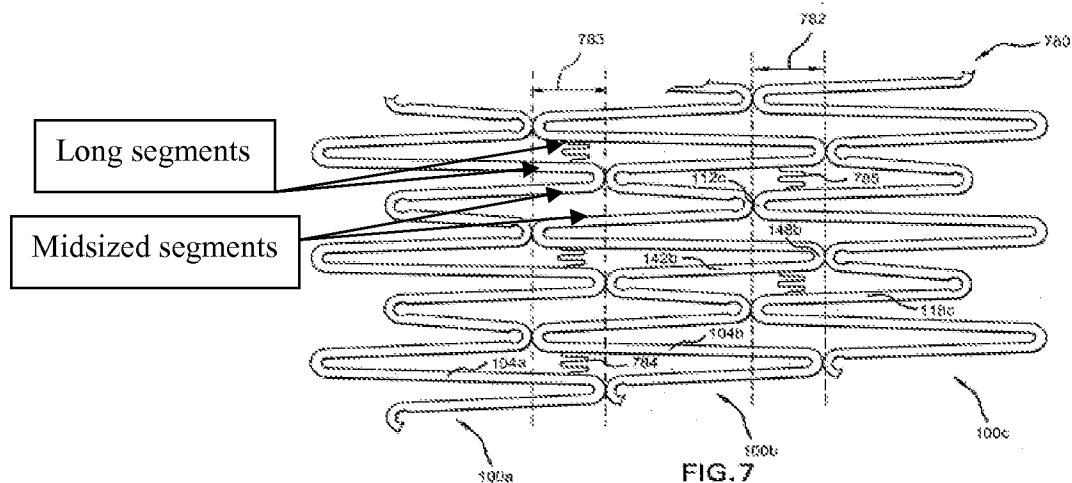
Reconsideration of this Application and entry of this Amendment after Final are respectfully requested. The proposed amendment places the claims in better form for appeal. Additionally, this amendment addresses items brought up by the examiner in the final office action. In view of the amendments and following remarks, favorable consideration and allowance of the application is respectfully requested.

Objections to the Specification

The amendment filed November 9, 2006 was objected to under 35 U.S.C. § 132 as introducing new matter into the disclosure. Although Applicant does not agree that new matter was added because amended paragraph [0042] was a restatement of original paragraph [0042], paragraph [0042] has been amended above to further clarify it. Amended paragraph [0042] is fully supported by original paragraph [0042] and the drawings as filed, and therefore does not add new matter to the disclosure. Applicants therefore respectfully request that the objection be withdrawn.

35 U.S.C. §112 Rejections

Claim 19-22 stand rejected under 35 U.S.C. § 112, first and second paragraphs, as failing to comply with the enablement requirement and being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Independent claim 19 has been amended to recite that the long segments and mid-sized segments of adjacent elements overlap. Such an embodiment is shown in FIG. 7 of the application as filed, reproduced below to show the overlapping segments.

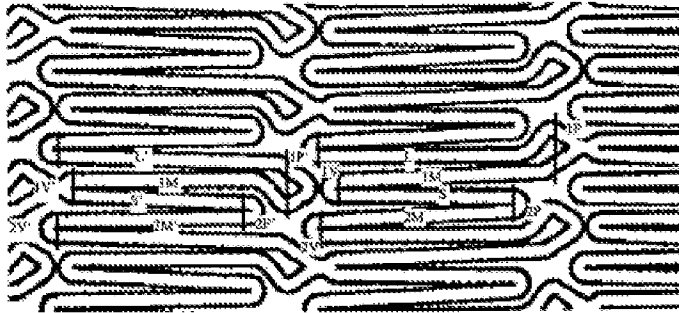


Accordingly, independent claim 19 is fully enabled by the specification and is definite. Claims 20-22 depend from claim 19 and are similarly enabled and definite. Applicants thus respectfully request that the rejection be withdrawn.

35 U.S.C. §102 Rejections

Claims 1-7, 9-13, and 16-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Lowe et al. (US 2004/0093073). Applicants respectfully traverse the rejection.

Independent claim 1 has been amended to recite that the pattern forming an element includes a series including “a straight long segment directly connecting with a first peak turn, said first peak turn being defined by a single turn radius, said first peak turn directly connecting with a first, straight midsized segment.” Similarly, independent claim 10 has been amended to recite that each element is formed of a repeating series including a “straight long segment, a first, straight midsized segment, a short segment, and a second midsized segment, each directly connected by hairpin turns, each hairpin turn being defined by a single turn radius.” Lowe et al. does not disclose such a configuration. The Examiner relies on Figures 23 and 24 of Lowe et al., as marked up by the Examiner to show the long, midsized, and short segments. The Examiner’s drawing is reproduced below.



As can be seen, the Examiner labeled the segments such that the first peak turn is a single radius turn by including part of the turn as part of the midsize segment. Amended claims 1 and 10, however, recite that the long segment and the first midsize segment are straight and are directly connected by the single radius turn. As labeled by the Examiner, first midsize segment 1M' in the left element, first midsize segment 1M in the right element, and long segment L in the right element are not straight, as recited in independent claims 1 and 10. Because Lowe et al. does not disclose each and every element of independent claims 1 and 10, it does not anticipate independent claims 1 and 10. Claims 2-7, 9, 11-13, and 16-18 depend from and add features to independent claim 1 or independent claim 10, and are therefore not anticipated by Lowe et al. for at least the same reasons as claims 1 and 10.

Independent claim 19 has been amended to recite that the long segments and midsize segments of adjacent elements overlap each other, as shown in FIG. 7 of the application as filed. FIG. 7 has been reproduced above showing this overlapping feature. Lowe et al. does not disclose such an overlapping feature. Accordingly, Lowe et al. does not anticipate independent claim 19, or claims 20-22 that depend therefrom.

For the reasons set forth above, Applicants respectfully request that the rejection be withdrawn.

35 U.S.C. §102 Rejections

Claims 8, 14, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lowe et al. in view of Orth et al. (USPN 5,591,197). Applicants respectfully traverse the rejection.

Claim 8 depends from independent claim 1 and claims 14 and 15 depend from independent claim 10. As discussed above, Lowe et al. does not disclose the features recited in claims 1 and 9. The Examiner relies on Orth et al. "to teach that it is a known advantage to vary the turning radius at different turns along the stent", as noted at page 7 of the final Office Action. Such a teaching does not address the deficiencies in Lowe et al. with respect to claims 1 and 10, as noted above. Further, there is no motivation for one of ordinary skill in the art to replace the foot extensions of Lowe et al. with the turns of Orth et al., which is what would be required to straighten the "segments" as labeled by the Examiner. Accordingly, Applicants submit that claims 8, 14, and 15 are patentable over Lowe et al. in view of Orth et al., and respectfully request that the rejection be withdrawn.

Conclusion

For the foregoing reasons, Applicants believe all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-0221.

Respectfully submitted,

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